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SPEECH

OF

MR. BADGER, OF NORTH CAROLINA,

ON THE

TEN REGIMENT BILL.

DELIVERED IN THE SENATE OF THE UNITED STATES, JAN. 18, 1848.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BADGER said: If I believed, sir, that the duty which I owe to the country, and to the State which has sent me here, could be performed by yielding to the requisitions of the Executive such supplies as he may deem requisite for the prosecution of the war, upon plans for prosecuting it which have not been fully made known to Congress—if I believed that I had not a high and controlling obligation to exercise my own best judgment for the benefit of those whom I represent, and for the general welfare of the country, upon every question submitted to the consideration of this body, I might be disposed to vote for the bill upon your table. If, sir, the yeas and nays had not been ordered upon the passage of this bill, I might have been content to permit the measure to pass, as far as I am concerned, without offering a single word to the Senate upon its intrinsic merits. But the yeas and nays have been ordered upon this bill. I cannot vote for it. I shall record my vote against it; and I think it is due to the country—I feel that it is due to myself—that the views and principles which will govern my conduct in giving this vote should be plainly and distinctly stated, and should accompany, to the public, the vote itself. I shall endeavor to assign those views and principles in as short a compass as is consistent with a full exposition of what I believe to be the truth on this all important subject, and which every consideration obliges me to put before those whom I represent, without any unnecessary diminution, without leaving out any thing that may be required in a full and complete expression of the argument which, in my mind, is conclusive in regard to the measure before you. I shall offer my own opinions, sir, with entire respect, and even deferential consideration, for the great minds of this body, and throughout the country, whom I know to be arrayed against me. Without intending towards them any disrespect, I shall take the liberty to declare what are the opinions which I entertain with regard to the origin of the war, the manner of its prosecution, the tendency of the measures now proposed, and the schemes that are evidently entertained by the Executive of the country in relation to it. I shall not go as far back, sir, as an honorable Senator from Maryland did a few days ago, (I mean the honorable Senator from that State who first addressed the Senate upon this bill,) but, nevertheless, I shall be under the necessity of going a little back, for the purpose of making myself fully understood.

First, then, I will lay it down, and endeavor to demonstrate, that *the war in which we are now engaged with Mexico was the immediate result of the unlawful and unconstitutional act of the President of the United States*. I suppose, sir, that there is no gentleman on this floor, or elsewhere, who supposes or believes that the President of the U. S. is vested with the war power of this country. It is a power expressly, and in terms, conferred upon the Congress of the U. States. And the President would have no control over it, direct or indirect, except from the incidental circumstance of his limited veto on the action of the two Houses; and except from the fact that, in virtue of his office, he is the chief commander, the principal military officer, of the United States.

I maintain, then, Mr. President, that when the President of the U. S. moved the troops under General Taylor to the Rio Grande, and took possession of the left bank of that stream, he committed a clear and undoubted act of war. What is war? What do all the writers on the law of nations tell us it is? They all, in substance, define it to be a contest about rights, which is carried on or maintained, not by argument, but

by force. It can, therefore, admit of no question, that when a nation claiming certain rights, which are disputed by another, undertakes to support those rights by force, she undertakes to support them by war—war as far as she is concerned. It is true, if the act of violence or aggression on her part be not resisted by the nation that suffers it—if it be patiently and tamely submitted to—no war results. To constitute war, it is as essential that there should be two parties, as it is that there should be two parties to a treaty of peace. The act of one nation cannot alone constitute war; it is like the case of an individual striking a blow: if it be not resented, no contest, no battle, no fight is the result. The blow is an act of aggression; it is an act commencing a contest, but it does not amount to a perfect contest. Whether this act on the part of the President was an act of war, of hostility, of aggression, depends not at all upon the question, whether we had a right to the territory of which he took forcible possession. War, between nations, pre-supposes a contest about rights. The publicists, who speak of contests between nations, never suppose them to contend except about rights. War is a contest about rights. Public war is a contest between nations about rights, carried on by force and not by argument. If, therefore, it were assumed as clear and unquestionable that the title of Texas and the U. S. extended to the Rio Grande, it is still beyond all doubt that, Mexico possessing the left bank of that stream, having settlements there, having officers there, and exercising jurisdiction there—any movement to dispossess Mexico, to occupy what she thus occupied, and what she claimed to be her own, is an act of war. It is an act of war, just and rightful if the territory be ours—just and rightful if the territory be unjustly and improperly withheld—just and rightful if, also, the act of war be directed by those who represent the sovereignty of the nation. Well, sir, this act was directed by the President of the U. S. He ordered the troops to the Rio Grande. They advanced. When they came into the Mexican settlement, the inhabitants fled before them in dismay; the officers abandoned the public buildings and set fire to them; and, under such circumstances, our forces, under the command of officers of the U. S., took from Mexico that of which she was in possession, and by force kept possession of the territory, and placed it under the jurisdiction of the United States.

Now, sir, on this subject I had the honor at the last session to bring to the attention of the Senate the action of Mr. Jefferson, during his administration of this Government, under circumstances of a very similar character; with this difference, that the title of the territory then withheld from us was truly and clearly ours. In every other respect the case was like this. The territory was withheld by another power, and a disposition manifested by that power to deprive us of what we owned. Under these circumstances, Mr. Jefferson conceived that he had no right to use the military force of the country to obtain possession of that which was withheld from us, though clearly ours. And he states, as the reason for referring the subject to the determination of Congress, that matters relating to peace and war belong exclusively to that body, and not to him; and as this movement might change the relation of the two countries from peace to war, therefore, it belonged to Congress to determine whether the movement should be made.

But, Mr. President, I have other authority. I certainly shall not say that it is more respectable in itself than the authority of Mr. Jefferson. I doubt very much whether, with a large portion of the American people, and of the Senate, it will be thought quite equal to Mr. Jefferson's. But upon this question, with respect to the President of the U. S., the authority is conclusive and overpowering. It creates upon him, what lawyers call an *estoppel*, for I am able to show that the President of the U. S. has himself recognised that such an act as this is an act of hostility—of aggression—of war. On the 11th of July, 1845, the Secretary of the Navy writes a confidential communication to Commodore Conner, then commanding in the Gulf of Mexico. He says:

“The unanimous vote of the Texan Congress for annexation leaves no doubt of the consummation of that measure. When you ascertain, satisfactorily, that the Texan convention, which assembled on the 4th, has also acceded to annexation, you will regard Texas as a part of your country—to be defended like any other part of it.

“At the same time, every honorable effort is to be made to preserve peace with all nations. The restoration of our boundary on the southwest, by the consent and choice of the people of Texas, is due to the strong attraction of the principles of liberty, which endear America to every one of its sons, and is a tribute before the world to the policy of peace, of political freedom, and of union on the principles of freedom. It is the President's desire that this great event should be consummated without the effusion of blood, and without the exercise of force; believing that free institutions, in their own right, will achieve all that can be desired.”

I read this part of the communication for the purpose of shewing, that though this paper was written on the 11th of July—prior to the actual consummation of the act of annexation—yet the instructions to which I propose more particularly to call the attention of the Senate, are given prospectively—cautiously—and with a view to the actual completion of that measure, when, as appears from the instructions themselves, the officer to whom they were directed was required to consider Texas as *a part of this country*. The letter proceeds:

“To secure this end most effectually, you are charged to commit *no act of aggression*; and, at the same time, you are invested with the command of a force sufficient to take from others a disposition to *hostile acts*.”

Then, after enumerating the force at the officer's command, the Secretary says:

“That you may precisely understand what is meant by the *aggression* which you are instructed to avoid, I will add, that while the annexation of Texas extends our boundary to the Del Norte, the President reserves the vindication of our boundary, if possible, to *methods of peace*. You will, therefore, not employ *force* to dislodge Mexican troops from any post east of the Del Norte which was in the *actual possession of the Mexicans at the time of annexation*.

“Should Mexico declare war, you will at once dislodge her troops from any post she may have east of the mouth of the Del Norte; take possession of Tampico; and, if your force is sufficient, will take the castle of San Juan d'Ulloa; it being the determination of the President to preserve *peace*, if possible; and, if war comes, to recover peace by adopting the most prompt and energetic measures.”—*Doc. H. R. 19—2d Sess., 29th Congress.*

Again: The Secretary of War writes General Taylor under date of July 8, 1845:

“This department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of *aggression*, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be *disturbed* as long as the relations of peace between the U. S. and Mexico continue.”

Here we have, from the representatives of the President in the two Departments, War and Navy, a clear and distinct recognition of this proposition, that, although the President held our true boundary to be the Del Norte, yet it would be “AN ACT OF AGGRESSION,” “A HOSTILE ACT,” an act which would not be justifiable except in a STATE OF WAR, to dispossess Mexico of any portion of that territory of which she held possession at the time of the annexation. When, therefore, orders were issued to General Taylor, on the 13th of January, 1846, to advance and occupy a position on the left bank of the Rio Grande, admitted to be in the possession of Mexico, the President ordered what he then, undoubtedly, understood to be *an act of war*. He ordered what he intended, and what he supposed would be regarded on the part of Mexico, as an act of hostility—of aggression. For, sir, you will observe, that when General Taylor, in the execution of this order, advanced to the Rio Grande, and drove the Mexicans from their possessions—when he occupied what had before been occupied by the Mexicans—and these facts were reported to the President, there was not the slightest intimation on his part that General Taylor had exceeded the scope of the orders which had been given him, and had thus been the means of precipitating the country into a war, which, by a prudent forbearance, might have been avoided. On the contrary, up to this very moment, all that was done in pursuance of that order has been recognised by the President as having been rightfully done, as having been done in accordance with the purposes which the Executive had in view when the orders were given.

But, sir, if the act was not an act of war, it was plainly and manifestly an act which *was likely to produce a state of war*. It was an act the tendency of which was to *change the relations of Mexico and this country* from a state of *peace* to a state of *war*. Can there be any doubt of this, sir? It is impossible to doubt it, when we recollect the unhappy and angry state of feeling which existed between the two countries. When we recollect the position which our army held at Corpus Christi for so many months, and the disputes existing between the two countries—the mutual charges of insincerity and breaches of faith—when we recollect all this, it must be manifest that such an act as moving an armed force to the Rio Grande was, in itself, if not an act of war, at least one which wore the appearance of aggression, and one which was calculated to rouse the feelings of the Mexicans, and to provoke retaliation. Thus much must be conceded; and if so, sir, whence did the President of the United States derive his power to do this without the consent of Congress?

According to Mr. Jefferson, an act which in its execution may change the relations of the country from peace to war, is an act beyond the competency of the Executive, and to be passed upon only by Congress. The Constitution has undergone no change, the people have made no amendment to it; it stands now as it stood in the time of Mr. Jefferson. Whence, then, has Mr. Polk derived his authority to precipitate measures which must lead directly to war—Congress being in session—without taking their advice, or even deigning to inform them of what he proposed to do? But, sir, at all events, there is not the slightest reason to doubt, as I apprehend, that the movement of the troops upon the Rio Grande was the act which produced war. There had been, previously, threatenings on the part of Mexico. There had been exactly that state of feeling which was likely to result in war. But there had been no war, and my conviction is clear, that if our troops had remained quiet at Corpus Christi—where they had a right to remain, on the ground so strongly put by the Senator from Maryland, (Mr. PEARCE,) that it belonged to Texas by virtue of her revolution, and was then in her possession—there would have been no war. But, at all events, supposing that war would have been produced in some other manner, or by some other movement, though our troops had remained, which is mere matter of speculation, yet it cannot be denied that, in point of fact, *this* war—the war in which we are *now* engaged—was the immediate result of the movement of our troops upon the Del Norte, and of nothing else. That movement was an act of war; it was, at all events, an act directly tending to change the relations of the two countries from peace to war; and, therefore, an act which the President could not lawfully or constitutionally perform.

The next proposition which I lay down is, that this war, thus resulting from an act of the President, has been prosecuted by him from the commencement with a view to the conquest—the permanent conquest—of at least New Mexico and Upper and Lower California. I beg the attention of the Senate while I attempt to demonstrate this proposition from public documents. First, sir, I will call the attention of the Senate to the instructions given by the Secretary of War on the 3d of June, 1846, to General Kearney:

“Should you conquer and take possession of New Mexico and Upper California, or considerable places in either, you will establish *temporary civil governments therein*—abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty, it would be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the U. States, and will take *the oath of allegiance to them*. The duties at the custom-houses ought, at once, to be reduced to such a rate as may be barely sufficient to maintain the necessary officers, without yielding any revenue to the government. You may assure the people of those provinces that it is the wish and design of the United States *to provide for them a free government*, with the least possible delay, similar to that which exists *in our Territories*. They will then be called on to exercise the rights of freemen in *electing* their own representatives to the *territorial legislature*. It is foreseen that what relates to the civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your own discretion.”—*Doc. H. R. 19—2d sess., 29th Congress—p. 5.*

In further proof of this, I read the instructions given by the Navy Department to Commodore Sloat, 12th July, 1846:

“The object of the United States is, under its rights as a belligerent nation, to possess itself entirely of Upper California.

“The object of the United States has reference to ultimate peace with Mexico; and if, at that peace, the basis of the *uti possidetis* shall be established, the government expects, through your forces, to be found in actual possession of Upper California.

“This will bring with it the necessity of a civil administration. Such a government should be established under your protection; and, in selecting persons to hold office, due respect should be had to the wishes of the people of California, as well as to the actual possessors of authority in that province. It may be proper to require an *oath of allegiance* to the United States from those who are intrusted with authority. You will also assure the people of California of the protection of the United States.

“After you shall have secured Upper California, if your force is sufficient, you will take possession, and keep the harbors on the Gulf of California as far down, at least, as Guaymas. But this is not to interfere with the *permanent occupation* of Upper California.”—*Doc. H. R. 19—2d sess., 29th Congress—pp. 81-2.*

Then, sir, on the 13th of August, we have instructions from the Navy Department to Commodore Stockton, or the commanding officer, in the Pacific:

“You will take *immediate possession* of Upper California, especially of the three ports of San Francisco, Monterey, and San Diego, so that if the treaty of peace should be made on the basis of the *uti possidetis*, it may LEAVE CALIFORNIA TO THE UNITED STATES.” * * * *

“Having provided for the *full possession* of Upper California, the next point of importance is the

Gulf of California. From the best judgment I can form, you should take possession of the port of Guaymas. The progress of our arms will probably be such that, in conjunction with land forces, you will be able to hold possession of Guaymas, and so TO REDUCE ALL THE COUNTRY NORTH OF IT ON THE GULF."—*Doc. H. R. 19—2d sess., 29th Congress—p. 82.*

Now, sir, in order to understand the scope and bearing of these orders still more clearly, let us see what was done under them by the officers to whom they were addressed. In a letter of General Kearney to the Adjutant General of the 24th August, 1846, written from Santa Fe, he says:

"On the 22d I issued a proclamation claiming the whole of New Mexico, with its then boundaries, as a territory of the United States of America, and taking it under our protection."—*Doc. H. R. 19—2d sess., 29th Congress—pp. 19, 20.*

In another part of the same letter he says:

"On my return (which will be in two or three weeks) a civil government shall be organized, and the officers appointed for it; after which I will be ready to start for Upper California, which I hope may be by the latter end of next month; and in such case I shall expect to have possession of that department by the close of November."

Then we have General Kearney's proclamation, in which he announces his intention to hold New Mexico as a part of the United States, under the name of the "territory of New Mexico:"

"As, by the act of the republic of Mexico, a state of war exists between that government and the United States; and as the undersigned, at the head of his troops, on the 18th instant, took possession of Santa Fe, the capital of the department of New Mexico, he now announces his intention to hold the department, with its original boundaries, (on both sides of the *Del Norte*.) AS A PART OF THE UNITED STATES, and under the name of 'THE TERRITORY OF NEW MEXICO.'" * * * * *

"The undersigned has instructions from his Government to respect the religious institutions of New Mexico—to protect the property of the church—to cause the worship of those belonging to it to be undisturbed, and their religious rights in the amplest manner preserved to them; also to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, the Navarjoes, and others; and when he assures all that it will be his pleasure, as well as his duty, to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficacy of the laws.

"And he requires of those who have left their homes, and taken up arms against the troops of the United States, to return forthwith to them, or else they will be considered as enemies and traitors, subjecting their persons to punishment, and their property to seizure and confiscation, for the benefit of the public treasury.

"It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States; and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature. But, until this can be done, the laws hitherto in existence will be continued until changed or modified by competent authority; and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens, and are willing to take the oath of allegiance to the United States.

"The United States hereby absolves all persons residing within the boundaries of New Mexico from any further allegiance to the republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable will be considered good citizens, and receive protection—those who are found in arms, or instigating others against the United States, will be considered traitors, and treated accordingly."—*Doc. H. R. 19—2d Sess., 29th Congress—pp. 20, 21.*

What was the action of Commodore Sloat? How did he interpret and understand the orders he had received? We have distinct information upon this point, communicated in the proclamation of Commodore Sloat to the people of California. He says:

"Henceforward California will be a portion of the United States, and its peaceable inhabitants will enjoy the same rights and privileges they now enjoy, together with the privilege of choosing their own magistrates and other officers, for the administration of justice among themselves, and the same protection will be extended to them as to any other State in the Union. They will also enjoy a permanent government."—*Doc. H. R. 19—2d Sess., 29th Congress, p. 102.*

And in a general order of July 7, 1846, he says:

"It is not only our duty to take California, but to preserve it afterwards, as a part of the United States, at all hazards."

What was the understanding of Commodore Stockton? In an address to the people of California, of the 17th August, 1846, he says:

"The Territory of California now belongs to the United States, and will be governed, as soon as circumstances will permit, by officers and laws similar to those by which the other Territories of the United States are regulated and protected."—*Doc. H. R. 19—2d Sess., 29th Congress, page 107.*

Again, in a proclamation, he says:

"I, Robert F. Stockton, commander-in-chief of the United States forces in the Pacific ocean, and

Governor of the Territory of California, and commander-in-chief of the army of the same, do hereby make known to all men, that, having BY RIGHT OF CONQUEST taken possession of that territory known by the name of Upper and Lower California, do now declare it to be a *Territory of the United States*, under the name of the Territory of California.”—*Doc. H. R. 19—2d Sess., 29th Congress, page 109.*

Now, sir, it is impossible, I think, to read what was done—what was reported by our officers to the President as having been done by them—without seeing that they understood and acted on his instructions, as designed to make a permanent conquest of such portions of Mexican territory as they were instructed to take possession of. There is not one word said in the instructions—nothing declared in the actions of the officers obeying those instructions—which referred or appeared to refer to a military occupation of those territories, for the purpose of compelling Mexico to do us justice for the wrongs we had sustained at her hands; on the contrary, the instructions to General Kearney, before read, require him to establish *temporary civil governments therein*, and authorize him to assure the people of *the design of the United States* to provide for them a *free government* similar to that which exists in our territories. These officers clearly understood that they were to take possession of and hold those territories as a portion of the United States.

They accordingly took possession. They organized governments—and they acted in all respects as if from that time forward these territories ceased to be the property of Mexico, and became, for all time, the property of the United States.

Now, did they understand their instructions aright? Why, sir, in the message of the President of the United States; communicating those documents to us, there is something said which implies a disavowal of something that was done; an intimation that in some respects the instructions had been exceeded.

These documents contain all the “orders or instructions” to any military or naval officer of the Government, “in relation to the establishment or organization of civil government in any portion of the territory of Mexico.” * * * * *

“Among the documents accompanying the report of the Secretary of War will be found “a form of government” “established and organized” by the military commander who conquered and occupied with his forces the territory of New Mexico. This document was received at the War Department in the latter part of last month; and, as will be perceived by the report of the Secretary of War, was not, for the reason stated by that officer, brought to my notice until after my annual message of the 8th instant was communicated to Congress. It is declared on its face to be “a temporary government of the said territory;” but there are portions of it which purport to establish and organize a permanent territorial government of the United States over the territory, and to impart to its inhabitants political rights, which, under the Constitution of the United States, can be enjoyed permanently only by citizens of the United States. These have not been approved and recognised by me.”

The Secretary of War, in the report referred to by the President, states that “the organic law of the territory of New Mexico was not received until the 23d of November; and, because of its being voluminous, was not read by him or submitted to the President until after his annual message was sent in.”

It appears, then, upon the statement of the President of the United States, and the report of the Secretary of War, that the “*organic law*” established by General Kearney for the government of the territory of New Mexico, in consequence of its late arrival—late with reference to the then succeeding session—had not been read by him and submitted to the President, and his orders taken with respect to it. Well, now, that is the only one of the documents of which it is intimated that the contents were not known by the proper department, and communicated to the President, and approved and sanctioned by him. Therefore it is a reasonable, just, and necessary conclusion, that every one of the other documents, except the one thus specified and taken out by the exception, had been read, considered, and approved. And, further, even in reference to General Kearney’s “*organic law*,” nothing is excepted by the President but this: that he undertook to make that law a “*permanent*” form of government; whereas the President intended a permanent occupation, with a permanent government to be finally settled by Congress, leaving to the military officer the establishment of a *temporary* government only. No exception was taken by the President to General Kearney’s proclamation of the 24th August, declaring his intention to hold New Mexico “AS A PART OF THE UNITED STATES”—none to his requiring ALL THE INHABITANTS TO RETURN TO THEIR HOMES on pain of being considered TRAITORS, and subjecting *their persons to punishment*, and *their property to confiscation*—none to his requiring the office-holders to consider

themselves "CITIZENS OF, AND TO TAKE AN OATH OF ALLEGIANCE TO, THE UNITED STATES"—none to his declaring the INTENTION of the United States to provide a CIVIL GOVERNMENT for New Mexico with a TERRITORIAL LEGISLATURE—none to his ABSOLVING, in the name of the United States, the inhabitants of that country from *their allegiance* to the republic of Mexico—and, finally, none to his claiming all persons residing within that territory *as citizens of the United States*, and denouncing the doom of traitors against all of them who should be found in arms against us. To *nothing* that was done, by either Commodore Sloat or Commodore Stockton, in regard to these matters, is *any* exception taken; yet, Commodore Sloat proclaimed to the inhabitants of California, as early as July, 1846, THAT THENCEFORWARD CALIFORNIA WOULD BE "A PORTION OF THE UNITED STATES," and would enjoy "A PERMANENT GOVERNMENT." And, in his general orders, issued July 7th, he says to the troops who were about to be landed on the coast, that it was their duty not only to take California, but to preserve it afterwards, as "A PART OF THE UNITED STATES," at all hazards. And Commodore Stockton, by his proclamation, makes known to all men, that he has by right of CONQUEST taken possession of the territory known as *Upper and Lower California*, and declares it to be "THE TERRITORY OF THE UNITED STATES," under the name of "THE TERRITORY OF CALIFORNIA." And again, on the 17th of August, he declares that "the territory of California NOW BELONGS to the United States, and will be governed, as soon as circumstances permit, by officers and laws similar to those by which other territories of the United States are regulated and governed."

Here, then, we see officers acting under the authority of the President, without rebuke from him, seizing and establishing civil governments in New Mexico and California, as the permanent territories of the United States; claiming their inhabitants as our citizens, promising them a permanent form of government, and denouncing them as traitors if they should take up arms against the United States. What is this but conquest? What is it but seizure and permanent annexation by force of arms? This, then, sir, I presume the President designed to do at the very time when he called upon the country for a recognition of this war, and for men and money to prosecute it. No intimation is given to us in any of the correspondence—if he did not then entertain the design—at what time the change took place in the Presidential mind. In June, July, and August, from the Navy and the War Departments to all the officers charged with carrying into execution the wishes of the President in the prosecution of the war, we have the same general tone of instructions, and we have all these officers seizing territories and treating them as a permanent part of the United States. And to these proceedings the President takes no exception! He does not intimate, by the slightest breath of disapprobation, that the zeal of these commanders has exceeded the purpose of the Executive!

I must suppose, then, that conquest was the object for which the President prosecuted the war from the beginning, and not indemnity. Why, sir, is it not a singular mode of securing indemnity, if such had been his purpose? At the commencement of the war, what did he want indemnity for? Mexico, it is true, owed to our citizens money. If the object had been to seize the Mexican territory, and simply to hold it by military occupation, in order to compel Mexico to recognise and discharge her debts to us, why is nothing of this kind mentioned in these instructions? Why did these officers treat the territories of which they obtained possession as a conquest, which was to become a portion of the United States? Why is it that no intimation was given to them or to us that the object had been misunderstood—that the possession which they held of these territories was a sort of mortgage, or in the nature of a security, until the payment of the debts due to us by Mexico? And, above all, if indemnity, if enforcing payment of what was due to our citizens, and not conquest, or permanent annexation, was the object of the war, why did the Secretary, as early as the 3d of June, 1846, authorize General Kearney to assure the people of New Mexico and Upper California that it was *then* "the wish and *design* of the United States to provide for them a free government, similar to that which exists in our territories?"

But this view of the subject, I think, becomes still stronger when we consider the mode in which the President carried on his negotiations. Mr. Slidell was sent

to Mexico in the month of November. I believe that his credentials bear date on the 10th of that month. Well, when he went to Mexico, he was not received. Why was he not? The President tells you that Mexico, in spite of her plighted word, insultingly refused to receive our minister. Well, now, it is plain to me—it is evident, when adverting to the correspondence which took place between our consul at Mexico and Senor Pena y Pena—that it never was the design of the then executive government of Mexico to receive a “minister resident” from the United States. On the 15th October, 1845, that minister writes to our consul, Mr. Black, “my government is disposed to receive the *commissioner* of the United States who may come to this capital with full powers from his government TO SETTLE THE PRESENT DISPUTE.” And afterwards, Mr. Slidell having arrived, the objection to his reception was that his credentials appointed him “a minister to reside near the government of Mexico, just as if there had been no suspension of the diplomatic and friendly relations between the two governments;” while the Mexican government understood it to be a special mission, confined to the Texas question. And when, to this objection, Mr. Black replied that Mr. Slidell was authorized to settle *all the questions in dispute*, Senor Pena y Pena said that “his credentials had not reference to *any* question in dispute, but merely as a minister to reside near the Mexican government;” and, referring to the great caution and circumspection necessary on their part, assured him that the government itself “was well disposed to arrange all differences.”—*Doc. H. R. 196—2d Sess., 29th Congress, pp. 12 and 24.*

It is impossible to read the correspondence without seeing that the persons administering the government of Mexico were exceedingly anxious to settle the question of boundary; and that, in order to enable them to do so, nothing might be done further to arouse or irritate the jealous feelings of the Mexican nation; and that, therefore, we should send them a commissioner only, with power to settle the pending dispute. Well, we were not satisfied with that. They had promised to receive a commissioner; the President tendered them a minister resident. To such a minister they objected, because he could not be received without arousing excited feelings and endangering their continuance in power, if not their personal safety. But that is not all. Long before Mr. Slidell’s mission was set on foot, on the 15th of June, 1845, the acting Secretary of War writes to General Taylor in these terms:

“The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will consist with the health of the troops, and will be best adapted to repel invasion, and protect what, in the event of annexation, will be our western border.”

Now, sir, here is an order as early as the 15th of June, 1845, in which General Taylor is directed to select a position *on or near the Rio del Norte*, claimed as the western frontier of Texas, which should have these conditions—it should consist with the health of the troops, and be the point best adapted to repel invasion, and to protect what was to be our western border. Now, it will be sufficiently obvious from these documents, I think, that it was the intention of the President that General Taylor should move to the left bank of the Rio Grande. General Taylor so understood it, for, in a despatch of his dated 4th October, 1845, he says:

“It will be recollected that the instructions of June 15, issued by Mr. Bancroft, then acting Secretary of War, directed me to ‘select and occupy, on or near the Rio Grande, such a site as will consist with the health of the troops, and will be best adapted to repel invasion,’ &c. Brazos Santiago is the nearest entrance to the mouth of the Rio Grande, and Point Isabel, within that entrance, and twenty-one miles from Matamoras, would have fulfilled more completely than any other position the conditions imposed by the Secretary.”

Here General Taylor says expressly, that he understood that he would more completely carry out the order by taking a position at Point Isabel. Why did he not? He immediately assigns the reason:

“But we had no artillery, no engineer force, or appliances, and but a moderate amount of infantry; and the occupation of Point Isabel, under these circumstances, and with at least the possibility of resistance from the Mexicans, might have compromised the safety of the command. I, therefore, determined to take up the next accessible position in the rear, which is the mouth of the Nueces river.”

As early, then, as the 15th of June, an order was issued to General Taylor, which he understood to be an order to take up his position on the left bank of the Rio Grande. An order which he thought would have been best complied with by es-

establishing his position at Point Isabel. And he informed the Department, on the 4th of October, that this would have been done, but that he had not the requisite force to undertake it. Well, sir, did he understand the order rightly? Let us see. On the 16th the Secretary writes to him:

"You will approach *as near the western boundary of Texas (the Rio Grande)* as circumstances will permit."

And the final order of the 13th of January, 1846, about the meaning of which there is no dispute, which all admit was an imperative one to General Taylor to advance to the left bank of the Rio Grande, is couched in exactly the same terms as the two orders preceding it. He is directed "to advance, and occupy positions *on or near the left bank of the Rio del Norte.*" There is no intimation at any time to General Taylor, after the despatch of the 4th of October, that he was mistaken in the construction which he put upon the order of the 15th of June. On the contrary, after that despatch must have been received—nearly three months after it was written—when it is the design of the Department that he should occupy the same position which he was directed, according to his understanding to do previously, he is directed to do it by a repetition of the order issued in June, 1845, almost in the same terms. Well, now, what is the inference from this? If, in June, 1845, General Taylor had been provided with a train of artillery, if he had had a suitable apparatus of engineers, he would, under the order of June 15th, have advanced, and taken possession of Point Isabel, expelling the Mexicans from that position, and placing it under the control of the United States. If he had done so, would he not have been obeying the orders of this Government? Was it not what it was designed by this Government that he should do, if the means had been in his possession? It is evident it was so designed, because, when they had given him the means and the same order, he assumes the position with the entire approbation and support of the Government. Now, sir, was not this a singular mode of proceeding, if the object had been to preserve peace, and restore friendly feelings between the two nations by amicable negotiation? Offence having been taken by Mexico for some cause, real or supposed, before the President sends his mission of peace, a month before he sends it, an order is repeated, the object and scope of which was to place a military force within the territory claimed and occupied by Mexico. Now, is it not obvious that, if this order had been fully carried into effect, it was calculated to rouse the indignation of Mexico, and to prevent the settlement of the differences between the two countries? If negotiation was desirable, if the President himself desired to settle the differences upon amicable terms, would he have preceded a mission of peace by an aggression upon the power with which he desired to restore friendly relations? Let it be remembered, that I have shown to the Senate already that the President considered (we have it in the orders transmitted to his officers) that the expulsion of the Mexicans from the left bank of the Rio Grande—the removal of their settlement—was an act of aggression, a hostile act, an act to be avoided in order to insure the continuance of peace, and which nothing would justify but the occurrence of actual war.

Thus, it seems to me, that not only did the President bring on the war by an unlawful and unconstitutional act, but that he has prosecuted it for the purpose of conquest, and of conquest alone. But this purpose the President did not make known to Congress. He did not submit (as he should have done) to the judgment of Congress, whether they were willing to prosecute a war for the purpose of making a permanent conquest of the territory of a neighboring republic. On the contrary, he seems carefully to have concealed his design from Congress. In his special message of the 4th of August, 1846, to the Senate, he says expressly:

"The chief difficulty to be anticipated in the negotiation is the adjustment of the boundary between the parties, by a line which shall at once be satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. This is the best mode of securing perpetual peace and good neighborhood between the two republics. Should the Mexican Government, in order to accomplish these objects, *be willing to cede any portion of their territory to the U. States, we ought to pay them a fair equivalent; a just and honorable peace, AND NOT CONQUEST, being our purpose in the prosecution of the war.*"

Now, what notion the President attaches to the term "conquest," I do not know! To me it seems plain, that what had been directed to be done before this message

was written, and what was afterwards done by the military and naval officers of the Government, not only without rebuke, but with the express recognition of the President of the United States, is direct, clear, and unquestionable conquest. I understand conquest, in this connexion, as meaning the seizure of the territory of another nation by force, whether it is to be held by force, or whether a consent to our retaining it is to be extorted by the power of our arms.

Again, sir, the President's message at the last session of Congress expressly declares, that "the war has not been waged with a view to conquest;" that "the war will continue to be prosecuted with vigor, as the best means of securing peace;" and that "it is deemed proper to hold *military* possession of all the provinces which have been taken, *until* a definitive treaty of peace shall have been concluded and ratified by the two countries." And I recollect well, sir, at the last session, when a resolution was moved by a member of this body, (Mr. WESTCOTT,) directing the Committee on Territories to consider as to the propriety of establishing some species of legislative authority over the territories of the enemy which had been taken into our possession, the honorable Senator from Missouri, (Mr. BENTON,) who is not now in his seat, in his strong manner, denounced in his place the proposition, on the ground that it attributed to the President of the United States the assumption that those portions of Mexico were territories of the United States. This the honorable Senator characterized as an absurdity.

Mr. WESTCOTT.—Monstrosity.

Mr. BADGER.—Yes, monstrosity. But, sir, this year the tone of the message is materially changed. The President has got a new phrase. He now says, not that he is not carrying on the war for the purpose of conquest, but "it has never been contemplated by me, as an object of the war, to make a *permanent* conquest of the *Republic* of Mexico, or to annihilate her separate existence as an independent nation." This is quite consistent with a design of *temporarily* conquering the *whole*, and *permanently* conquering a *part*. Indeed, he expressly informs us, that New Mexico and the Californias "should never be surrendered to Mexico." Now, it seems to me that it was the duty of the President of the United States to have explained to Congress from the first what his real purpose was. If he intended, at the last session, to actually conquer and retain by force—to retain, under all circumstances, the territory then acquired from Mexico—he should have so told Congress. But he told us no such thing. On the contrary, he leaves us to suppose that, though these proceedings seem to look like conquest, yet still, in the Presidential mind, the conquest of any part of Mexico was not his purpose. Now, sir, we are distinctly informed that the President is of opinion that we should retain, at all hazards, New Mexico and the two Californias.

The next proposition which strikes me as being material to a just determination of the course to be pursued in reference to the bill now under the consideration of the Senate, is this, that the present plan of the war, as announced by the Secretary of the War Department in his communication to the President, if carried out, must irresistibly lead to the conquest of the whole of Mexico; and I think we may reasonably conclude, judging of the future by the past, that if at this session Congress shall place in the hands of the President all the means he has asked, we shall, at the next session, find the whole of Mexico entirely overrun, and at the mercy of our troops; and we shall then have a message informing us that the President is of opinion that Congress should not consent, under any circumstances, to surrender any portion of the Mexican republic.

The Secretary of War, in his report, speaks of three plans. Why, sir, there are but two, in fact, if I am capable of understanding what seems to be tolerably plain language. Human ingenuity cannot make of it more than two plans, although he has numerically divided it into three. What are they?

"Our further operations must, in my opinion, be conducted in one of the three following modes: *First*, to take and hold an indemnity line; to recede from all places and positions now occupied in advance of it, and cease from all aggressive operations beyond that line. *Second*, to overrun the whole country, and hold all the principal places in it by permanent garrisons; and *third*, to retain what we now possess, open the lines of communication into the interior, and extend our operations to other important places, as our means and the prospect of advantages shall indicate, keeping a disposable force always ready,

within approachable limits, to annoy the enemy, to seize supplies, enforce contributions, and frustrate his efforts to collect means and assemble troops for the purpose of protracting the war."

Well, now, sir, is it not strange that numbers two and three shall be considered separate and distinct plans? The second is to overrun the whole country, and hold all the principal places in it by establishing garrisons therein. What is the third? It is to retain what we possess, to open a communication with the interior, and to take other places, according as our means may enable us. Does he mean under the second plan to take more than our means will enable us to take? Under the first of the two latter of the Secretary's plans, he proposes to take all the principal places in Mexico; and, under the second of them, he proposes to keep what we have got and get all we can. Well, now, the President has adopted the third of the plans reported by the Secretary, as enumerated by him, upon which the war is to be carried on, and it is upon that basis that supplies are asked, and particularly the ten regiments proposed to be raised by this bill, to assist in carrying out the operations of this war in accordance with the views of the Secretary.

Well, sir, believing, as I do, that the necessary consequence of furnishing the means which are required by this bill will be to enable the Secretary of War, under the direction of the President, to make a permanent conquest of the whole of Mexico, I cannot vote for it. I am opposed to augmenting the forces for such a purpose.

How is the conquest of Mexico to be effected? How is a peace to be brought about, under this mode of prosecuting a war, except by the seizure and subjugation of the whole country? I cannot vote, sir, for any plan by which Mexico is to be conquered and annexed! Because, in the first place, it would be grossly unjust. It would, in my judgment, according to my convictions of right, be a high and flagrant wrong for us to seize upon and incorporate the territories of that republic into our own. I believe it would fix a stigma upon the character of this people which all successive ages would not be able to wipe out.

No oblivion that thousands of years could throw over it, no darkness with which the lapse of ages could surround it, would prevent the flagrant enormity of such a measure from being apparent to posterity. How could our future historians and poets be able to relate the tale of this country's doings in regard to this feeble, unfortunate, degraded republic? In vain would the attempt be made to close the eyes of mankind against the gross injustice of this procedure, by throwing around it the flimsy pretences which patriotism might suggest. Sir, now we have the dazzling blaze of military glory cast over these operations, and behold them in a light which may mislead and deceive us; but when the excitement of the present day shall have passed away, and they shall be looked at in the clear light of history, and their character pronounced by the voice of truth, there will be a universal verdict of condemnation given by mankind. My deliberate conviction is, that in the judgment of posterity, if we should consummate such a wrong as this, the crimson guilt of the partition of Poland would pale into absolute whiteness in the comparison. The one, it would be said, was an act perpetrated by monarchs, hereditary rulers, men born to govern, and who had been taught to regard others merely as the ministers of their pleasures, or the instrumentality of increasing their power, and in whose behalf it might be urged that they only followed the example of their predecessors in seeking, by whatever means, to increase their power; but in the other case, it would be declared that the act was committed by a republican government, based on principles of equal rights, and professing friendship and good will to all mankind, seeking for national happiness, and national glory in the pursuit of the peaceful arts, engaged in the establishment of justice and tranquility, and regarding the whole human race as brethren in blood, entitled to their humanity and consideration. The writers of that distant age would find that then, as ever:

"Nor florid prose, nor honied lies of rhyme,
Can blazon evil deeds or consecrate a crime."

I am not willing that my country should now commit this irreparable wrong, and soil herself with this ineffaceable stain.

I am opposed to the seizure and annexation of Mexico, because it is as unwise as unjust. I know there are some who entertain a different opinion, but it does seem clear to me that the accomplishment of such a measure as the incorporation of Mexico—whether her people are to be introduced into a community of rights with us, or

to be held as a degraded and conquered province—whether they are to sustain towards us the relation of the territories we have heretofore had, or to remain in a state of perpetual pupillage—whatever the mode and form in which their future condition and character are to be established—must inevitably, in the hour of its completion, doom the Union to certain destruction.

I was glad to hear the Senator from South Carolina, farthest from me, (Mr. CALHOUN,) take strong and decided ground against the absorption of Mexico and the destruction of her nationality.* I was glad to hear his voice raised against what in my view would be one of the greatest of crimes, one of the greatest of political blunders. But, I wonder, Mr. President, that it did not strike the honorable Senator, that the injustice of seizing upon the whole by force was an injustice but in degree superior to seizing upon any part by force—that though the enormity of absorbing the whole of the Mexican territory strikes us with astonishment and horror, it is but because the human mind is more strongly affected and impressed by subjects which appear large; yet, that, in truth, the seizure of one foot of Mexican soil is just as much an invasion of the eternal principles of right, as much a sacrifice of the claims of justice and the obligations which we owe our fellow-men, as the seizure of the whole. I am opposed to the conquest, by arms, of Mexico, or any part of Mexico. I am opposed to wresting from her one inch of her domain, by the exertion of any force which shall control her will and compel an apparently voluntary surrender, while, in reality, the soul of the country tenaciously adheres to that with which it parts. I am opposed to the commission by this country of such an act of injustice, for the attainment of any object, be it great or small; believing, as I fully do, that a pure, unsullied reputation amongst the nations of the earth, is of more importance to us than any acquisition that the wide world can furnish.

It has been said—it was said on this floor at the time when the resolutions of the honorable Senator from South Carolina were before the Senate—that the proposition contained in them, which condemns the conquest of Mexico and the destruction of her nationality, was a proposition the assertion of which would be idle and fruitless, because the destruction of the nationality of Mexico is contemplated by no one. At the time when I heard the statement made, I entertained the same opinion, and expressed that opinion to the Senator himself.—(Mr. CALHOUN here nodded assent.) But, an attentive consideration of the report of the Secretary of War, and the means demanded by the President—a consideration of the important fact disclosed this day, that the President has refused upon this subject to communicate his views and plans in the further prosecution of the war—the fact that he has proceeded from a disavowal of all intended conquest to a simple intimation that he has never desired to conquer Mexico or destroy her nationality—these things, sir, have convinced me of the probability that the Government is now thinking, at some no distant day, actually to make the movement which the resolution of the Senator from South Carolina denounces. I was struck, sir, with the account of a recent celebration in this city of the anniversary of the battle of New Orleans. It was held here on the 11th instant, and I noticed that an honorable and distinguished member of this body (Mr. DICKINSON,) made an address on the occasion to the company then assembled, concluding with a sentiment which goes far ahead of the annexation of the whole of Mexico. He gave as a toast—“A more perfect Union, embracing the whole of the North American Continent.” I did not observe that the sentiment was received with disapprobation. I saw no mention of any qualification of the sentiment by him or others; but there it stands, as the declared opinion of a representative of the great “empire State” upon this floor—a State which, of all others, is able to succeed by physical force in the accomplishment of such a design—a design looking to a more “perfect union,” not in the closer association of the members of this Republic—not in a strengthening of our social relations—not in an increase of mutual attachment—but a

* After my remarks were made Mr. CALHOUN informed me I had mistaken his meaning entirely—that it was not his purpose to propose a seizure of any Mexican territory, to be retained by us at all hazards, but only to assume possession of such part of her territory as should fall within his defensive line, to be held as a basis on which to negotiate, and to abide the disposition of a treaty of peace. This note is added in justice to that honorable Senator and to myself.

more perfect union, which is to embrace in one with us the whole of the North American continent, including Mexico on the south, and the entire British provinces on the north. When I see propositions of that sort coming from gentlemen of such high character, known intelligence, and distinguished position before the country, I cannot resist the conclusion, that such sentiments may have an echo in the hearts of thousands.

But there are other difficulties in my mind. I consider the further prosecution of this war upon the plan proposed by the President of the United States as dangerous to the liberties of the country. I was struck by the remark made by the honorable Senator from South Carolina, (Mr. CALHOUN,) that no one now hears, as in the early days of the republic, the question, "how will this measure affect our liberty?" Now we sit down and calculate calmly what amount of military force or means it is necessary to put into the hands of the President to accomplish a certain object. We ask, whether we shall send him further into Mexico at the head of a hundred thousand men, with all the means of this country at his command by our voluntary vote, and all the means of Mexico by military and violent seizure, and yet, as the honorable Senator said, there is no inquiry as to the effect of all this upon our liberties. That remark excited in my mind a train of thought which led me to the conclusion that there is great and just ground of apprehension, if this measure is adopted, that the liberties of the country will be seriously endangered. Recollect what the President claimed on this subject, in his message of last session. All that has been done heretofore in Mexico, in the prosecution of this war, the President claims the right of doing, because we are the conqueror. But where, I ask, does he find any authority for exercising the rights of a conqueror? If he has them, it must be irrespective and independent of the Constitution of the United States? The conqueror has certain rights, and the President claims that these rights belong to him. For one, I do not admit that proposition. It is the Government of the United States, and the people of the United States represented in that Government, who are the conquerors in every war in which we are successful. Therefore, the rights which belong to the conqueror, according to the law of nations, belong no more to the President than they do to the lowest officer who leads a band of men against the enemy. These rights belong to the country—to those who represent the sovereignty of the nation—who hold the war-power of the nation—to the Congress of the United States. The President has no other power, than as he is, by the Constitution, the chief military commander, whose duty it is to carry on war for the purpose and to the ends declared by those who represent the sovereignty of the nation. But the President claims that he has a right to take possession, and that, having taken possession, he has a right to require from persons within the territory the oath of allegiance; submission to the regulations of his military officers; suspension of all resistance to his military authority, under pain of being treated as traitors, and made liable to punishment in their persons and in the confiscation of their goods; and to seize all the public property and revenues of the country. All this he claims as a conqueror, and wholly irrespective of any responsibility to Congress. I protest against any such doctrine.

Having now stated my views of the commencement of this war, the manner and purposes of its prosecution, and the dangerous tendency of the Executive claims of power and projects of conquest, I come to the proposition before us. We are called upon to place at the command of the President ten regiments of regulars, in addition to the present military force. For what purpose? To carry on the war with Mexico? Upon what plan? Sir, the President declines to inform us upon what plan.

Mr. MANGUM, (in his seat.)—His friends here decline.

Mr. BADGER.—A few days ago, when this subject was under consideration by the Senate, and my friend from Kentucky (Mr. CRITTENDEN) stated in his strong and forcible manner the present condition of Mexico, and the utter and absolute want of any necessity for this additional military force, a part of a communication from Gen. Scott was read by the Hon. Chairman of the Committee on Military Affairs, as to the amount of force that would be required. Gen. Scott expressed the opinion that if certain purposes were contemplated it would be necessary to raise his force to fifty thousand men. I myself asked the Hon. Senator on what plan, system, or basis of operations for conducting the war, that estimate was made. The Senator declined to answer. Resolutions have been proposed in the other House, making inquiries,

and to these the President has declined giving any answer. A resolution was introduced in this body asking the President to communicate to us information on this subject, such as he might deem it consistent with the public interest to communicate to us, either confidentially or in open session. The President was asked to communicate to us information which would enable us to understand this monster project for the war, which requires this great addition to our military means; and this morning, by a vote of the majority of this body, it was determined that the question should not be put to the President, whether he has in his possession any information on this subject, which he could, consistently with the public interests, communicate to us, either in open session or confidentially? Thus, by the action of the President in the one case, and his friends in the other, information is denied us, and the war-making power of the country excluded from full knowledge of the plans for the prosecution of the war! Well, sir, what is the amount of our military force in Mexico, to which it is proposed to make this formidable addition? Without going into detail, I may safely say that that force at present amounts, in round numbers, to forty-five thousand men. Under existing laws, twenty thousand may be raised, to complete the complement of regulars and volunteers, making an aggregate of sixty-five thousand men. Deduct from that fifteen thousand, on account of the casualties to which the Senator from Michigan so often refers, and you have an army of fifty thousand men. Yet, it is now proposed to add to that force ten regiments of regulars, with a bill behind it to put at the disposal of the President twenty thousand volunteers, a force, including the sailors and marines co-operating with the troops, of not less than seventy-five thousand to eighty thousand effective men. What is to be accomplished by that force? Are there battles to be fought? That is distinctly disavowed. There is no expectation, sir, of any more battles to be fought. For what, then, sir, do you ask these men? Why, the honorable gentleman from Michigan says, that he wishes, by the exhibition of a large force there, to produce "a great moral effect." How? Why, he means to convince the Mexicans that they are unable to resist us!

Well, sir, if they are able to withstand the logic of such fields as Buena Vista, Churubusco, Contreras, and Cerro Gordo, think you, sir, that their incredulity will yield to the mere sight of a large body of men? What, then, do you intend to do with this immense military force? They are to take possession and occupy the country it is said. And when they are there, what great object is it intended that they should accomplish, which this country desires to see accomplished? Do we want peace? Is it not obvious to every one that peace cannot in this way be obtained? If peace could be coerced, we have done every thing that genius can contrive, and skill and gallantry execute, to accomplish it. I believe it may be said, without exaggeration, that the history of no country has presented such a succession of brilliant military achievements as we have gained in Mexico. As a single battle, nothing can be produced equal to the last battle of Taylor; and as a succession of military operations, where can you find a parallel to the advance of Scott from Vera Cruz to the city of Mexico? If chastisement—defeat—overpowering, overwhelming defeat—were sufficient to bring Mexico to a disposition for peace, she would have been brought to that disposition long ago. How, then, do you propose to accomplish it by your troops? Why, they are to take possession and occupy the whole country—or, as the Secretary of War says, to keep that portion of it which we have got, and occupy all the rest of which our means will allow us to take possession. Well, when you have got possession, what disposition of it do you propose to make? Posts and fortifications, I suppose, are to be established every where. You are to maintain all the strongholds of Mexico, and her valleys are to be every where marked by the signs of military occupation. How long is this state of things to continue? Until Mexico makes peace! But, I pray you, is this the way in which the gentle sentiments of benevolence and peace are to be instilled into the Mexican bosom? True, you may compel her to submit; you may prevent her from uttering a word of complaint; you may force her to feign compliance with your wishes; her active resentment may disappear; and yet a dogged spirit of revenge, and the intensest hate, will rankle and lurk beneath. The Latin poet has said with great propriety and force:

"Si te colo Sextæ non amabo."

—referring to a well known quality of our nature, in virtue of which the superiority which demands our admiration inclines us to withhold our love. If this be the tendency of that moral coercion, what may we hope from awe and terror? Do we really expect, by renewed conquest, by devastated fields, by captured villages, by stormed fortresses, by occupying such positions that no Mexican can look forth without beholding evidence of the fall of his country and the presence of her conqueror, that a true peace is to be restored? Sir, no man should expect it. What is the situation of Mexico at this moment? She lies at your feet, bleeding, exhausted, panting. Do you wish to trample upon this enemy, already in the dust? Do you wish to crush the last remains of her vitality? I hope not, sir; but even if you do, you do not need this additional force.

We received yesterday the copy of a general order of the 15th December, issued by General Scott, the first article of which proceeded to inform the army that it would spread itself over the republic of Mexico; and which goes on to establish a system of internal regulation for the government of the country, and the collection and disbursement of the revenue. If, then, it be right and manly, in the present crippled condition of Mexico, to destroy her nationality, you have ample means to do so. But, ere you proceed to the accomplishment of such a purpose, will you not pause for a moment, and reflect upon the consequences which must inevitably follow? If such a design be carried out, the destruction of our liberties is certain. You send forth the President with his eighty thousand men. He is told that he can support these men, and meet the other expenses of the war, by levying contributions in Mexico. He is thus clothed with such authority, left in a foreign country to form his plans and carry them into execution. Is he not thus invested with all the power and dignity of a prince, free to obey the dictates of his own arbitrary will at the head of seventy or eighty thousand men, dictating laws to another nation, collecting and disbursing its revenues, ruling there with a despotic sway, and by the patronage and power thus created, controlling the action of his proper constituency at home? Such a power, sir, ought not to be trusted to the President of the U. S. Above all things, sir, regulars should not be the force placed at his disposal. The honorable chairman of the Committee on Military Affairs has told us that regulars were to be preferred, because, when they entered the army, they surrendered every right but the right of obedience! and became “mere machines.” This avowed led me to look with horror upon such a description of force. I prefer the volunteers, because, although they enter the service of the country, they yield none of the rights of freemen. I am opposed to putting into the hands of the Executive a military force which knows no law but their master’s bidding, moving at his will, obeying his behests implicitly, and holding themselves free from all the obligations and responsibilities of citizenship. When you put a vast force of that description into the hands of the Executive, have you not, as far as possible, rendered him independent of you? Have you not converted him from a President into a Prince—from a republican Chief Magistrate into a Military Dictator?

When, on the present plan of the campaign, is the war to end? War, it must be admitted by all, is a great evil. Is there to be no end to it in this case? Must

“————— the tears
And blood of earth flow on as they have flowed,
An universal deluge—which appears
Without an ark for wretched man’s abode—
And ebbs but to re-flow.”

Is it our design, in sending these troops to Mexico, to sit out the Mexican people, and try an experiment of obstinacy between the two races? If so, let us recollect the just and forcible remark made here last winter by the Senator from Missouri, (Mr. BENTON,) in speaking of the line proposed to be taken by the Senator from South Carolina, that no people on earth have such obstinate perseverance as the old Castilian race, and that this quality is to be found to a great extent in the present inhabitants of Mexico. The Senator then reminded us, that if we undertake the process of sitting out the Mexicans, we should not forget the example of the Moors; for, as he remarked, they sat a thousand years, and the Spaniards at last sat them out, and took possession of the whole of Spain. Sir, I am not in favor of voting these regulars to the President, in order to enlarge our military forces in Mexico. The force

there now is ample for every legitimate purpose. If the President wishes to prolong the experiment for another year, of occupying the portion of the country now in our military possession, he has ample force to do so. I am not willing to encourage the President in any scheme of territorial aggrandizement, or by any action of mine to excite, if it does not already exist, a disposition to seize and annex the whole of Mexico. I desire no such result; nay, I should dread it as a calamity. I should look upon it with horror as a fatal misfortune. If we are to have any additional troops, let them be volunteers. Let them be men of that superior character of which the Senator from Mississippi (Mr. DAVIS) spoke. Let them be men who realize their rights; who have a position in society which connects them indissolubly with every thing dear to the happiness and future welfare of the country. Let us not put any more of these "machines" into the hands of the President, which he may, if it be his pleasure, turn against ourselves.

It has been supposed that the people of the United States have a desire that some acquisition should be made from Mexico by force. I am extremely unwilling to believe that the people of my country entertain such a wish, or cherish such a purpose. But of one thing I am certain: the people of my own State neither have in themselves, nor encourage in others, a disposition to seize by violence the property of Mexico, or to acquire anything from her, except by her voluntary disposition, for a full and valuable consideration. The people of North Carolina, I feel sure, are satisfied with their own possessions. They fix no eager look of covetousness on the enjoyments of others. Plain, unpretending, honest, not blessed with the largest amount of wealth and power and means which Providence has showered upon other portions of the Union, but possessing enough for happiness, enough for respectability, enough to enable them to educate their children, and diffuse the principles of morality and religious truth amongst them, and to hand down as a legacy to their descendants the great principle, that "nothing can be truly great which is not right;" that people, sir, are opposed to any such aggressive policy, any such unjust and forcible acquisition. They hold, that he who sacrifices the principles of justice on account of property, not only yields up his innocence, but sacrifices his interest, and, by his intemperate pursuit of what belongs to others, surrenders or weakens his best security for the continued possession of his own. Sir, I feel the strongest conviction that the people of my own State do not desire to acquire *any thing* from Mexico *by force*; and that they would not be willing to put at hazard the peace of our own country, and weaken the bond of our Union, by any considerable acquisition of Mexican territory, however freely surrendered and amply paid for. They may be willing, as I am, to procure a bay upon the Pacific, with such an addition of territory as shall be necessary, and barely necessary, to unite it with our territory of Oregon, provided it is not obtained by force, that the surrender is not dictated by coercive power, but that it is made with a true free will, and honestly purchased by us. But if, contrary to my confident expectations, the people who sent me here have, or should have, views contrary to those which I have expressed, I cannot sacrifice to their wishes what I believe to be their highest honor and their best interests.

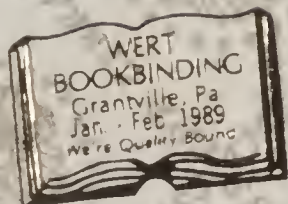
I have thus imperfectly expressed the views under which I must vote against the proposition on your table. They have been presented with entire frankness on my own part; and, thanking the Senate for the attention with which I have been heard, I will detain them no longer.

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